[redacted]

In the Supreme Court of the United States

OCTOBER TERM, 1969

No. 1578

MELVIN LEE ROSS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the District of South Carolina, petitioner was convicted on two counts of knowingly concealing merchandise worth more than $5,000 stolen from an interstate shipment in violation of 18 U.S.C. 2315. He was sentenced to imprisonment for six years on each count, the sentences to run concurrently. In an opinion affirming the conviction, on which we rely, the court of appeals fully discussed petitioner's con-

tentions that the affidavit supporting a search warrant was insufficient (Pet. 12-17), that the government should have produced one Payne (Pet. App. 17) and that the evidence was insufficient to support the verdict (Pet. App. 17-18).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

JUNE 1970.